

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

WALKER DIGITAL, LLC,

Plaintiff,

v.

CAPCOM ENTERTAINMENT, INC., CAPCOM  
U.S.A., INC., ELECTRONIC ARTS, INC.,  
KONAMI DIGITAL ENTERTAINMENT, INC.,  
MICROSOFT CORPORATION, SEGA OF  
AMERICA, INC., SONY COMPUTER  
ENTERTAINMENT AMERICA LLC, SQUARE  
ENIX OF AMERICA HOLDINGS, INC., SQUARE  
ENIX, INC., THQ INC., and UBISOFT, INC.,

Defendants.

C. A. No. 11-368-GMS

**PLAINTIFF WALKER DIGITAL, LLC'S ANSWER TO  
THQ INC.'S COUNTERCLAIMS**

Plaintiff Walker Digital, LLC ("Walker Digital"), by and through its undersigned counsel, as and for its Answer to the Counterclaims of Defendant THQ Inc. ("THQ") (D.I. 36), states as follows:

**THE PARTIES**

145. Walker Digital lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of paragraph 145 of the Counterclaims.

146. Admitted that Walker Digital is a limited liability company with its principal place of business at 2 High Ridge Park, Stamford, Connecticut.

**JURISDICTION AND VENUE**

147. Admitted.

148. Admitted.

149. Admitted.

150. Admitted.

151. Admitted.

152. Admitted, except Walker Digital denies that the '486 patent is invalid and that THQ has not infringed and is not infringing the '486 patent.

153. Admitted, except Walker Digital denies that the '828 patent is invalid and that THQ has not infringed and is not infringing the '828 patent.

154. Denied.

**FIRST COUNTERCLAIM**  
**(Declaratory Judgment of Non-Infringement)**

155. Walker Digital incorporates its response to paragraphs 145-154 of THQ's Counterclaims as if fully set forth herein.

156. Admitted.

157. Denied.

158. Denied.

159. Walker Digital admits the allegations contained in the first sentence but denies the allegations contained in the second sentence of paragraph 159 of the Counterclaims.

**SECOND COUNTERCLAIM**  
**(Declaratory Judgment of Invalidity)**

160. Walker Digital incorporates its response to paragraphs 145-159 of THQ's Counterclaims as if fully set forth herein.

161. Admitted.

162. Denied.

163. Denied.

164. Walker Digital admits the allegations contained in the first sentence but denies the allegations contained in the second sentence of paragraph 164 of the Counterclaims.

**AFFIRMATIVE DEFENSES**

Walker Digital asserts the following defense and reserves the right to amend its Answer as new information becomes available. The listing of any defense below shall not be construed as an admission that Walker Digital bears the burden of proof as to such defense:

**AFFIRMATIVE DEFENSE**

The Counterclaims fail to state a claim upon which relief may be granted.

**PRAYER FOR RELIEF**

WHEREFORE, Walker Digital demands the following relief:

- (i) Judgment in favor of Walker Digital;
- (ii) Judgment dismissing THQ's Counterclaims with prejudice;
- (iii) Such other and further relief as the Court deems just and equitable.

August 15, 2011

BAYARD, P.A.

OF COUNSEL:

Sandra C. McCallion  
Karen H. Bromberg  
Francisco A. Villegas  
COHEN & GRESSER LLP  
800 Third Avenue  
New York, New York 10022  
(212) 957-7600

/s/ Richard D. Kirk (rk0922)  
Richard D. Kirk (rk0922)  
Stephen B. Brauerman (sb4952)  
222 Delaware Avenue, Suite 900  
P.O. Box 25130  
Wilmington, DE 19899  
rkirk@bayardlaw.com  
sbrauerman@bayardlaw.com  
(302) 655-5000

*Attorneys for Plaintiff Walker Digital, LLC*